

Senate Study Bill 1150

SENATE/HOUSE FILE _____
BY (PROPOSED CITIZENS'
AIDE/OMBUDSMAN BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act creating the Iowa public records privacy commission and
2 providing for a repeal.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 1280DP 82
5 eg/gg/14

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1 1 Section 1. NEW SECTION. 22.21 IOWA PUBLIC RECORDS
1 2 PRIVACY COMMISSION.
1 3 1. An Iowa public records privacy commission is created in
1 4 the department of cultural affairs for the purpose of
1 5 reviewing existing procedures used by governmental bodies for
1 6 the retention and destruction of records that contain personal
1 7 information or are confidential records as defined by law,
1 8 including procedures to prevent unauthorized access, use, or
1 9 disclosure when recycling, discarding, or destroying such
1 10 records.
1 11 2. The commission shall identify retention and destruction
1 12 procedures that are or would be most effective in safeguarding
1 13 confidential and personal information within public records.
1 14 The commission shall consider the practicability of mandating
1 15 retention and destruction procedures that governmental bodies
1 16 would use for records which contain personal information or
1 17 which are defined as confidential records.
1 18 3. On or before October 31, 2008, the commission shall
1 19 report its findings and recommendations for retention and
1 20 destruction procedures for records which contain personal
1 21 information or which are defined as confidential records to
1 22 the governor and the general assembly.
1 23 4. a. The commission shall consist of voting and
1 24 nonvoting members. The following persons or their designees
1 25 shall serve as voting members:
1 26 (1) The governor's legal counsel.
1 27 (2) The director of human services.
1 28 (3) The director of transportation.
1 29 (4) The director of revenue.
1 30 (5) The director of the department of administrative
1 31 services.
1 32 (6) The attorney general.
1 33 (7) The secretary of state.
1 34 (8) The director of public health.
1 35 (9) The director of cultural affairs.
2 1 (10) One person appointed by each of the following:
2 2 (a) Iowa state association of counties.
2 3 (b) Iowa league of cities.
2 4 (c) Iowa association of school boards.
2 5 b. The following officials shall serve as nonvoting
2 6 members:
2 7 (1) Two state representatives, one appointed by the
2 8 speaker of the house of representatives and one by the
2 9 minority leader of the house, and two state senators, one
2 10 appointed by the majority leader of the senate and one by the
2 11 minority leader of the senate. A legislative member is
2 12 eligible for per diem and expenses as provided in section
2 13 2.10.
2 14 (2) The citizens' aide.
2 15 5. The commission shall elect a chairperson and vice
2 16 chairperson from the voting members of the commission. The
2 17 terms of the commission members are for two years beginning on
2 18 July 1 and ending on June 30, except that the legislative
2 19 members shall serve for terms coinciding with the legislative

2 20 biennium. A vacancy on the commission shall be filled for the
2 21 unexpired term of the vacancy in the same manner as the
2 22 original appointment was made.

2 23 6. As used in this section, "personal information" means a
2 24 person's first name or first initial and last name in
2 25 combination with one or more of the following data elements
2 26 that relate to the person if neither the name nor the data
2 27 elements are encrypted, redacted, or otherwise altered by any
2 28 method or technology in such a manner that the name or data
2 29 elements are unreadable:

2 30 a. Social security number.
2 31 b. Driver's license number or other unique identification
2 32 number created or collected by a governmental body.
2 33 c. Account number, credit card number, or debit card
2 34 number, in combination with any required security code, access
2 35 code, or password that would permit access to a person's
3 1 financial account.
3 2 d. Unique electronic identifier or routing code, in
3 3 combination with any required security code, access code, or
3 4 password.
3 5 e. Unique biometric data, such as a fingerprint, voice
3 6 print, retina or iris image, or other unique physical
3 7 representation.

3 8 7. This section is repealed June 30, 2009.

3 9 Sec. 2. CODE EDITOR DIRECTIVE.

3 10 1. The Code editor shall establish the following
3 11 subchapters in chapter 22:

3 12 a. Subchapter I, entitled "definitions", shall be
3 13 comprised of section 22.1.
3 14 b. Subchapter II, entitled "access to public records",
3 15 shall be comprised of sections 22.2 through 22.20.
3 16 c. Subchapter III, entitled "privacy", shall be comprised
3 17 of sections 22.21 through 22.30.

3 18 2. The Code editor shall make corresponding changes to
3 19 update references to "this chapter" in section 22.3A,
3 20 subsection 2; section 22.8, subsection 3; and section 22.10.

3 21 EXPLANATION

3 22 This bill creates the Iowa public records privacy
3 23 commission in the department of cultural affairs to review
3 24 record retention and destruction procedures used by various
3 25 governmental bodies, including the state, counties, cities,
3 26 townships, school corporations, and other boards, commissions,
3 27 and councils that are subject to the Open Records Law in Code
3 28 chapter 22. The bill designates voting and nonvoting persons
3 29 to serve on the commission.

3 30 The commission is directed to consider the practicability
3 31 of mandating retention and destruction procedures that
3 32 governmental bodies would use for records containing personal
3 33 information or for those records defined by law as
3 34 confidential records. On or before October 31, 2008, the
3 35 commission is required to report its findings and
4 1 recommendations to the governor and general assembly.

4 2 The bill defines "personal information" as a person's first
4 3 name or initial and last name in combination with any one or
4 4 more specific data elements, including a social security
4 5 number, driver's license number, financial account number with
4 6 password, and unique biometric data, that relate to the
4 7 person, if neither the name nor the data elements are
4 8 encrypted, redacted, or otherwise made unreadable.

4 9 The Code section creating the commission is repealed on
4 10 June 30, 2009.

4 11 The bill includes a Code editor directive to create
4 12 subchapters in Code chapter 22 and to make revisions in Code
4 13 chapter 22 as a consequence of creating such subchapters.

4 14 LSB 1280DP 82
4 15 eg:nh/gg/14.2